

BS030348

U.S. Application No. 10/720,586 Examiner SIKRI, Art Unit 2109  
Response to February 7, 2007 Office Action

### REMARKS

In response to the Office Action dated February 7, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited document to *Kato*.

Claims 1-20 are pending in this application, with claims 13-20 being newly added.

The United States Patent and Trademark Office (the "Office") objected to the title. The Office also rejected claims 1-12 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent Application Publication 2002/0112060 to Kato.

The Assignee shows, however, that the pending claims cannot be anticipated. The pending claims recite, or incorporate, features that are not disclosed by *Kato*. The Assignee thus respectfully requests removal of the § 102 (b) rejection.

### Objection to Title

The Office objected to the title. The title has been amended to "Methods, Systems, and Products for Providing Segmented Communications Services."

### Rejection of Claims 1-12

The Office rejected claims 1-12 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent Application Publication 2002/0112060 to Kato. A claim, however, is only anticipated when each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P.").

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Claims 1-12 cannot be anticipated by *Kato*. These claims recite, or incorporate, many features that are not disclosed by *Kato*. All the independent claims, for example, recite “*segmenting the audio-video data into segments.*” The published application to *Kato et al.* does not disclose this feature. Examiner Sikri is correct — *Kato* describes how a “resident active packet signal receiving unit” may restore a plurality of packets “back to one packet.” *Id.* at [0224]. *Kato* also describes how a “circulating active packet signal receiving unit” may restore a plurality of packets “back to one packet.” *Id.* at [0225]. *Kato* also describes how a plurality of packets may be “incorporated into a single packet” and then “divided ... into a plurality of packets” for transmission. *Id.* at [0244]. *Kato* also describes how a plurality of packets may be combined “so as to be a single packet for processing,” however, the single packet may be divided “into a plurality of packets” and sent. *Id.* at [0356]. Yet no where does *Kato* describe how audio-video data is “*segment[ed] ... into segments.*” Because *Kato* is silent to at least these features, *Kato* cannot anticipate claims 1-12.

Yet claims 1-12 recite other distinguishing features. All the independent claims, for example, recite “*receiving a result of the processing service*” and “*assembling formatted audio-visual data comprising the result of the processing service and at least one of the segments that is unprocessed*” (emphasis added). Support for such features may be found at least at paragraph [0022] of the as-filed application. No where does *Kato* disclose or suggest formatted audio-visual data that is assembled from a result of a processing service and an unprocessed segment. Because *Kato* is silent to at least these features, *Kato* cannot anticipate claims 1-12.

The dependent claims recite additional distinguishing features. Dependent claims 2, 13, and 18, for example, recite “*color correcting at least one of the segments to suit a display device requirement of the client communications device.*” Support for such features may be found at least at paragraphs [0011] and [0013] of the as-filed application. Dependent claims 4, 15, and 19 recite “*scaling at least one of the segments to suit a display device requirement of the client communications device.*” Support for such features may be found at least at paragraphs [0011] and [0013] of the as-filed application. Dependent claims 5, 16, and 20 recite “*encrypting at least one of the segments to suit a privacy requirement.*” Support for such features may be found at

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least at paragraphs [0013] and [0021] of the as-filed application. Dependent claims 6 and 17 recite “*specifying that at least one of the segments be processed during off-peak hours.*” Support for such features may be found at least at paragraph [0025] of the as-filed application.

*Kato*, then, cannot anticipate claims 1-12. *Kato* is silent to “*segmenting the audio-video data into segments.*” *Kato* is also silent to “*receiving a result of the processing service*” and “*assembling formatted audio-visual data comprising the result of the processing service and at least one of the segments that is unprocessed*” (emphasis added). Moreover, *Kato* is silent to the features recited in the dependent claims 2-10 and 13-20. Because *Kato* is silent to at least all these features, *Kato* cannot anticipate claims 1-20. Examiner Sikri is thus respectfully requested to remove the § 102 (b) rejection of the pending claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,



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